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May 17, 2022

BY ECF

Hon. Stewart D. Aaron
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1970
New York, NY 10007

**Re: *United States of America and States of the United States, ex rel.
Donohue v. Richard Carranza, et al., 1:20-CV-5396 (GHW)***

Dear Judge Aaron:

This firm, along with the New York City Law Department, represents defendants New York City Department of Education and former Chancellors Carranza and Porter (“NYC DOE”); this firm also represents defendants Board of Education of the City of Chicago (identified as the Chicago Public School District in Relator’s Second Amended Complaint, ECF No. 19 (“SAC”)) and former Superintendent Torres (the “Chicago BOE”), and Los Angeles Unified School District and former Superintendent Beutner (“LAUSD”) in the above-referenced case.

Pursuant to your Honor’s Individual Rules of Practice for Civil Cases, specifically, Rules I.A and I.D, we submit this letter to request a revised briefing schedule for an anticipated motion to dismiss Relator’s Second Amended Complaint (“SAC”), as set forth below. Additionally, to avoid making multiple requests to your Honor, counsel representing the following defendant school districts and their current or former Superintendents have authorized us to request the same briefing schedule for their motions to dismiss: (i) the Buffalo School District (identified as Buffalo Public School District in the SAC) and Kriner Cash (the “Buffalo SD”), (ii) Stamford Board of Education (identified as Stamford Public School District in the SAC) and Dr. Tamu Lucero (the “Stamford BOE”), and (iii) San Diego Unified School District, Cindy Marten and Dr. Lamont Jackson (“SDUSD”).

The purpose of the request is to allow the parties additional time to continue discussions that have occurred following the pre-motion conference with your Honor on April 27, 2022, regarding potentially narrowing the issues for the defendants’ anticipated motions to dismiss Relator’s SAC. Counsel for the defendants identified above and Relator have conferred and jointly propose the revised briefing schedule set forth below for such motions:

AUSTIN CENTURY CITY CHARLOTTE CHICAGO HOUSTON IRVING LOS ANGELES
NEW YORK ORANGE COUNTY SAN FRANCISCO BAY AREA SHANGHAI WASHINGTON, DC

LONDON: KATTEN MUCHIN ROSENMAN UK LLP

A limited liability partnership including professional corporations

Brief in support of motion to dismiss: June 30, 2022

Relator's Brief in opposition to motion to dismiss: July 22, 2022

Reply Brief: August 19, 2022

The moving papers for the Buffalo SD were originally filed on April 29th (ECF No. 146; *see also* ECF No. 149, 150); they and Relator join us, however, for the briefing schedule with respect to the opposing and reply papers for which prior specific deadlines had not been requested (ECF Nos. 131 & 132). The previously approved deadlines for the other defendants' motions to dismiss were: (i) for the Stamford BOE: May 20, 2022 for the moving papers and June 13, 2022 for the opposing papers (ECF Nos. 128 & 130); and (ii) for NYC DOE, the Chicago BOE, LAUSD and SDUSD: May 27, 2022 for the moving papers, June 27, 2022 for the opposing papers and July 29, 2022 for the reply papers (ECF Nos. 129, 133, 136 & 138). There has been one prior request for an extension by Stamford BOE, and two such prior requests by all of the other defendants identified above, which have been granted.

Respectfully,

/s/ Joseph V. Willey
Joseph V. Willey

Cc: All counsel of record, via ECF